

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated August 4, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-15 are pending in the Application.

In the Final Office Action, claims 1-4, 8-10, 12, 13 and 15 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Publication No. 2002/0097239 to Allen ("Allen") in view of U.S. Patent No. 5,374,942 to Gilligan ("Gilligan"). Claim 5 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Allen in view of U.S. Patent No. 6,538,672 to Dobbelaar ("Dobbelaar"). Claim 6 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Allen in view of U.S. Patent No. 6,915,489 to Gargi ("Gargi"). Claim 7 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Allen in view of U.S. Patent Publication No. 2003/0158476 to Takabayashi ("Takabayashi"). Claims 11 and 14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Allen in view of U.S. Patent No. 6,078,313 to Sezaki ("Sezaki"). It is respectfully submitted that claims 1-15 are allowable over Allen in view of Gilligan alone and in view of

any combination of Dobbelaar, Gargi, Takabayashi and Sezaki for at least the following reasons.

Allen shows a visualization system for manipulating a three dimensional array of images that utilizes sliders 32 and 33 positioned in two different portions of the display. In Allen, "[t]he large square slider 32 indicates that the data to be depicted in the window 34 is from a plane of the object 21 along indices [axis] 2 and 3, and the elongated slider 33 identifies the particular plane along the axis represented by that slider." (See, Allen, paragraph [0023].) So in effect, Allen uses a combination of two different display areas to represent three axis of data. The indication area within slider 32, only defines two axis of freedom within the data and it is for this reason that Allen utilizes a further area to define a third axis of data.

It is undisputed that Allen fails to show scrolling in three dimensions without the use of two selection areas and use of a slider (see, final Office Action, page 3). Gilligan is cited to provide that which is neither disclosed nor suggested by Allen, however, it is respectfully submitted that reliance on Gilligan is misplaced.

While Gilligan does show scrolling within three axis of data, it does so by recognizing patterns of movement of the mouse wherein x-axis and y-axis scrolling is provided by moving the mouse in a direction of the x or y axis. However, scrolling in a z-axis is provided by scrolling in a circular pattern (see, Gilligan, Col. 8, lines 1-6). Gilligan does not show scrolling in a direction of the z-axis and in fact teaches away from this by providing teaching of the circular scrolling pattern.

It is respectfully submitted that the system of claim 1 is not anticipated or made obvious by the teachings of Allen. For example, Allen does not disclose or suggest, a system that amongst other patentable elements, comprises (illustrative emphasis added) "a processor for, under control of a computer program, enabling a user to select a respective subrange of the range of values by scrolling substantially parallel to a horizontal x-axis without use of a slider or a vertical y-axis of a display via the manipulation unit without use of a slider; enabling a user to select a value for the additional attribute by scrolling substantially parallel to an imaginary z-axis positioned between the X-axis and the y-axis via the manipulation unit without use of a slider" as recited in claim 1, and as similarly recited in claim 8.

Allen shows use of two data areas and sliders to manipulate the collection of images. Gilligan shows a circular gesture to enable movement in a third axis of data. Accordingly, the combination of Allen and Gilligan does not disclose or suggest what is recited in each of claims 1 and 8. Each of Dobbelaar, Gargi, Takabayashi and Sezaki are introduced for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies in Allen.

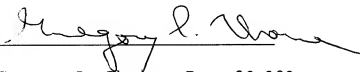
Based on the foregoing, the Applicant respectfully submits that independent claims 1 and 8 are patentable over Allen in view of Gilligan alone and in view of any combination of Dobbelaar, Gargi, Takabayashi and Sezaki and notice to this effect is earnestly solicited. Claims 2-7 and 9-15 respectively depend from one of claims 1 and 8 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of

argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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